

County of Loudoun
Department of Planning
MEMORANDUM

DATE: January 9, 2009

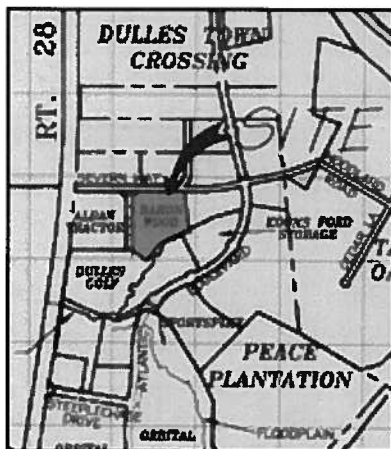
TO: Jane McCarter, Project Manager
Land Use Review

FROM: Joe Gorney, AICP, Senior Planner
Community Planning

SUBJECT: ZMAP 2008-0019, Baronwood

BACKGROUND

Baronwood Associates, LP requests a Zoning Map Amendment to convert a developed parcel of approximately 9.4 acres from PD-IP (Planned Development – Industrial Park) under the 1972 Zoning Ordinance to PD-IP under the Revised 1993 Zoning Ordinance. The property is contained within the Route 28 Highway Improvement Transportation District (Route 28 Tax District).



VICINITY MAP

The property is located at the southeast corner of the intersection of Severn Way (Route 847) and Jesse Court.

The property is surrounded on the west, south, east, and north by properties zoned PD-IP. To the northeast is a property zoned PD-CC-RC (Planned Development-Commercial Center-Regional Center).

Flex-industrial uses are located to the west and southeast of the site. A hotel is located to the northeast and a golf driving range to the southeast.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan, the Bicycle and Pedestrian Mobility Master Plan (BPMMP), the Countywide Transportation Plan (CTP), and the Eastern Loudoun Area Management Plan (ELAMP). Being newer than the ELAMP, the Revised General Plan supersedes the ELAMP when there is a policy conflict between the two (Revised General Plan, Relationship to Other County Planning Documents text, Chapter 1). The subject property is located in the Sterling Community of the Suburban Policy Area and is designated as a Keynote Employment Area.

ANALYSIS & RECOMMENDATION

The Revised General Plan provides policy direction encouraging property owners within the Route 28 Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states: "The County will look at developing incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance" (Revised General Plan, Chapter 4, Economic Development Policy 14). As such, the proposed conversion to the most current Zoning Ordinance is appropriate. Staff supports the proposed conversion.

cc: Julie Pastor, AICP, Director, Department of Planning
Cindy Keegan, AICP, Program Manager, Community Planning (via email)

A-2



ZONING ADMINISTRATION REFERRAL

DATE: December ¹⁷~~16~~, 2008
TO: Jane McCarter, Project Manager
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: Cindy Lintz, Zoning Administration
SUBJECT: ZMAP 2008-0019, Baronwood
LCTM: /80//16/////1/ **MCPI:**030-15-5049-000



The Zoning Administration has reviewed the first submission of the above referenced application and has the following comments:

1. In the title bar, include ZMAP 2008-0019.
2. Sheet 1, county records show steep slopes on the property, correct Site Note #4.
3. Sheet 1, county records show major floodplain on the property, correct Site Note #7.
4. Sheet 3, there should be a 25' parking and 35' building setback along Jessie Court.
5. Sheet 3, the 15' building and parking setback should be removed since the adjacent parcels are in the PD-IP district.

County of Loudoun

Office of Transportation Services

MEMORANDUM

DATE: January 7, 2009
TO: Jane McCarter, Project Manager, Department of Planning
FROM: Art Smith, Senior Coordinator *AS*
SUBJECT: ZMAP 2008-0019 Baronwood
First Referral

BACKGROUND

The applicant is seeking to convert a 9.35 acre parcel of land in the Route 28 Tax District from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance. The parcel is located on the south side of Severn Way East between Atlantic Boulevard and Route 28. Atlantic Boulevard is currently constructed to its ultimate typical section specified in the Countywide Transportation Plan (CTP), which is a four-lane median divided major collector road. The intersection of Atlantic Boulevard/Severn Road East is currently signalized. Weekday peak hour service levels are at LOS "C" and expected to remain adequate in the near future.

Severn Road East services as a local business access road. It has been constructed to its ultimate section. The intersection of Severn Road East and Route 28 is currently signalized. VDOT has indicated it will close this intersection when the Route 28/Nokes Boulevard grade-separated interchange is constructed.

DISCUSSION

The report "Traffic Statement for Route 28 ZMAP Applications to the Current Zoning Ordinance (AKA Zoning Conversions)" indicates Atlantic Boulevard in the vicinity of the site will operate at acceptable LOS through 2010. Further, forecast year 2030 traffic forecasts conducted for the update of the Countywide Transportation Plan (CTP) indicate acceptable LOS.

Please note there is currently a building on the site, served by two entrances on Severn Way East. Information on the size of the building and the nature of the occupying business activity would be appreciated.

CONCLUSION

OTS has no objections to the approval of this application.

cc: Andy Beacher, Assistant Director/Highway Division Chief

A-4



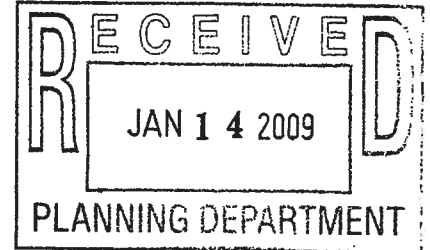
COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

January 12, 2009



Ms. Jane McCarter, Project Manager
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Steeplechase Section 2A Parcel 1 - Baronwood
Loudoun County Application Number: ZMAP 2008-0019

Dear Ms. McCarter:

We have reviewed the above application as requested and have no objection to the approval.

If you have any questions, please call me at (703) 383-2046.

Sincerely,

Rashid Siraj, P.E.
Transportation Engineer

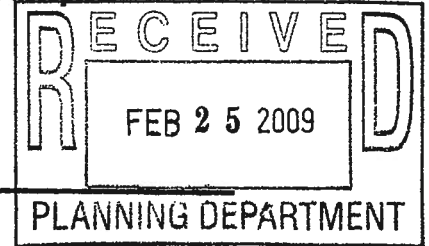
(App..1-12-08)

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated Sept 17, 2008 for the application of
(enter date of affidavit)

Baronwood Associates, Limited
(enter name(s) of applicant(s))



in Application Number(s): 2MAP 2008-0019
(enter application number(s))

I, Rosemarie A. Pelletier, do hereby state that I am an

(check one) ☒ applicant (must be listed in Paragraph B of the above-described affidavit)
☐ applicant's authorized agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) ☒ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of Feb 25, 2009

(enter today's date)

☐ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

☐ Paragraph B-1
☐ Paragraph B-2
☐ Paragraph B-3

☐ Paragraph C-1
☐ Paragraph C-2
☐ Paragraph C-3

WITNESS the following signature: [Signature]

(check one)

☐ applicant ☒ applicant's authorized agent

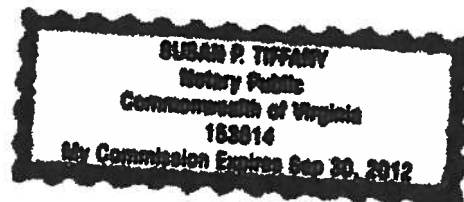
Rosemarie A. Pelletier

(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 25th day of February, 2009
in the State/Commonwealth of Va., County/City of Loudoun

Susan Liffay
Notary Public

My Commission expires: September 2012



A-6

I, Rosemarie Pelletier / PPSi, do hereby state that I am an
____ Applicant

☒ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZMAP 2008 0019

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the foregoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP (Listed in bold above)</i>
030155049	Barnwood Assoc. LP	5272 River Road Suite 360 Bethesda, MD 20816	Owner/Applicant
030155049	PPSi	313 Wingate PL, SW Leeburg, VA 20175	Authorized Agent/ Consultant
030155049	Christopher Consultants	20110 Ashbrook PL suite 160 Ashburn, VA 20147	Engineers

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

____ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

Baronwood Associates, Limited Partnership; 5272 River Road, Suite 360
Bethesda, MD 20816

☐ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)
Philip C. Ackley	General Partner
Bowis Investment Realty Corp	General Partner

Check if applicable:

☐ Additional Partnership information attached. See Attachment to Paragraph C-3.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Bowis Investment Realty Corp

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
L.P. F.H. Investment Ltd. Partnership 4.78%	Robin A. Dublin 7.31% L.P.
L.P. Frederick H. Bowis Family Trust 4.878%	
L.P. Investors & Developers Services Inc. 7.317%	
L.P. Allan J. Berman 19%	
L.P. Leslie Shapiro 29.17%	
L.P. W.B. Investor, Inc. .2%	
L.P. Ravinia Investor LLC 19.51%	
L.P. Irwin P. Edlurich 7.80%	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

RAVINA Investors, LLC; P.O. Box 5370, Vernon Hills, ILL 60061-5370

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Kimberly E. Stone 49.97%	
Thomas H. Stone, Jr. 49.97%	
Donna M. Stone 0.03%	
Thomas H. Stone 0.03%	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Public Private Solutions, Inc 313 Wingate Pl, SW Leesburg, VA 20175

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Rosemarie Pelletier 75%	PR
Raymond G. Pelletier 25%	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Rosemarie A. Pelletier	President/CEO
Raymond G. Pelletier	Sec/Treas

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Christopher Consultants

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Christopher W. Brown	
William R. Goldsmith, Jr.	
Louis Canonico	
William R. Zink	
Ruth R. Fields	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Christopher W. Brown	President
William R. Goldsmith, Jr.	Executive Vice President/Secretary
Louis Canonico	Vice President
William R. Zink	Vice President
Ruth R. Fields	Treasurer

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

none
EXCEPT AS FOLLOWS: (If none, so state).

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

none
EXCEPT AS FOLLOWS: (If none, so state).

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

Dr. Rosemarie Anne Pelletier

check one: [] Applicant or [☒] Applicant's Authorized Agent

Dr. Rosemarie Anne Pelletier

(Type or print first name, middle initial and last name and title of signee)

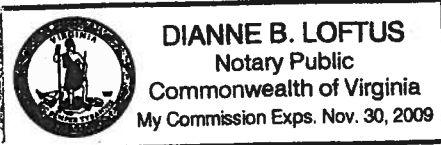
Subscribed and sworn before me this 26th day of November 2008, in the State Commonwealth of Virginia, in the County/City of Loudoun

Dianne B. Loftus

Notary Public

My Commission Expires: November 30, 2009

#358085



**Statement of Justification
Baronwood– Rezoning Application
PRAP 2008-0076 PIN 030155049
SPEX1992-0025
SPEX 1986-0053
September 17, 2008**

Site Location:

The Baronwood site is more specifically identified as /80//16/////1/on Loudoun County Tax Map. This site has been known on previous Loudoun County land development applications as the Steeple Chase Sec. 2A. PCL. 1. The site is located at the northwest quadrant of the intersection of Severn Road and Jesse Court; just off RT. 28 North This property is within the Route 28 Tax District.

Site Description:

The site contains approximately 9.3515 acres with approximately 600 linear feet of frontage along Severn Road. The site is generally square in nature.

The site consists of one parcel. The parcel has one "U" shaped building. The building is complete and has current tenants. Located to the east of the site is Alban Tractor; to the north is vacant property to the south is a hotel under construction and Dulles Golf; to the east is Koons Ford Storage and a vacant piece of land and to the west is Alban Tractor.

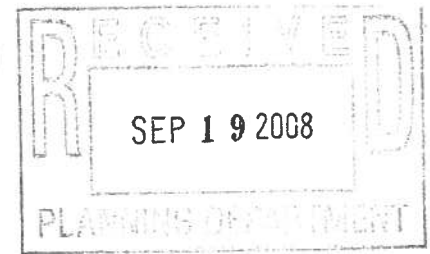
The property generally slopes to the south towards Dulles Golf and Atlantic Blvd. The site is fully landscaped per the county's requirements.

Project Description:

The applicant for the Baronwood site desires to bring the property which is 9.3515 acres under the Revised 1993 Zoning Ordinance while maintaining it's current PD-IP (Planned Development-Industrial Park. Due to the properties location in the RT 28 Tax District the property has remained under the 1972 Zoning Ordinance.

General:

The property lies within a portion of the County that by public water and sanitary sewer. It is within the RT 28 Special Tax District; and is served by RT. 28, Severn Way, and Atlantic Blvd.



Project Justification:

This application is for the conversion of the zoning ordinance, which governs development of this property from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance, and the zoning district will remain PD-IP. This zoning ordinance conversion allows for a greater flexibility in the potential uses that are allowed by right and by special exception from the Board of Supervisors. Additionally, by making this property subject to the current zoning ordinance, the County's vision, as identified in the Revised General Plan, is being implemented through the current zoning district requirements. This will allow the applicant and the County to insure the property will continue to be used and developed more in concert with the County's General Plan.

In terms of specific information to be considered by Loudoun County for a Zoning Conversion Application, the applicant would offer the following.

1. Whether the proposed zoning district classification is consistent with the Comprehensive Plan.
 - The proposed development is consistent with that which is allowed for this portion of the County in the Revised General Plan. The Revised General Plan identifies this subject property area as planned for Business uses. The applicant is proposing to retain the PD-IP zoning classification, which is consistent with the planned land use. The only change is to bring the property under the Revised 1993 Zoning Ordinance. The Revised 1993 Zoning Ordinance more fully implements the goals of the County's Revised General Plan.
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
 - There have been numerous changes in this area of the County, most specifically the construction of the above grade interchanges along the RT. 28 corridor. These include Sterling Blvd, the eventual closing of Severn Way and its replacement by an above grade interchange, The Rt. 28/Church Road interchange is completed and open, as are other interchanges. These improvements have resulted and are resulting in the RT 28/ development of the corridor with a mix of business and business supportive uses. This development is occurring primarily under the Revised 1993 Zoning Ordinance. By

converting this property to that ordinance the County can insure a more unified development pattern in this portion of the County.

3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

- The ranges of uses proposed in this application are compatible with the uses of all of the adjacent properties, due to the fact that all of the abutting properties are also PD-IP zoning.

4. Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

- The Loudoun County Sanitation Authority currently provides water and sewer service to the existing site. Additionally, the subject property is currently zoned PD-IP, and based on the trip comparison of the worst case scenario of the current zoning to the proposed zoning district, the proposed zoning does not indicate any adverse impact above any by-right development that could be developed at the site. The adjacent roads within the vicinity have already had traffic improvements by either the applicant or from others.

5. The effect of the proposed rezoning on the County's ground water supply.

- This proposed zoning will have no adverse impact on the County's ground water supply. The applicant's current design meets County requirements in terms of storm water management and best management practices, thus addressing the quality and quantity of storm water runoff.

6. The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

- As on-going development in this portion of the County has shown, with proper engineering, the on-site soils have the necessary structural capacity to support the development. Through the site plan process the applicant has submitted detailed geotechnical information on the property. Since this site is built out and has been for

some period of time, the rezoning and the sites compliance with the 1993 Zoning Ordinance should have no impact on the structural capacity of the soils.

7. The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

- Per our conversations with Art Smith, from the Department of Transportation, the existing infrastructure will more than adequately handle current and future traffic. Since this application only seeks to change the ordinance that governs this area and does not change the zoning district, there should be no differing impacts in terms of traffic or traffic safety. In addition the regional transportation network in this portion of the County is substantially built out. The sites close proximity to RT 28 should allow easy access to and from the site.

8. Whether a reasonably viable economic use of the subject property exists under the current zoning.

- The subject site is currently approved for by-right PD-IP development per the 1972 Zoning Ordinance. While this is an economically viable use for the property, the applicant believes it is the County's goal to have the property zoned in a fashion that is consistent with the current zoning ordinance to allow for a maximum amount of flexibility for the proposed uses and the most consistent development patterns with surrounding development.. The applicant believes that this conversion is more in concert with the goals of the General Plan. Therefore, while the existing approved uses may be economically viable, it is not necessarily desirable, from the County standpoint, in terms of the County's overall planning goals.

9. The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

- The applicant believes that, since this site has been built out for some number of years, the conversion will have not impact or effect on the environment, natural features, wildlife

habitat, vegetation, water quality and/or air quality. During initial construction and subsequent construction, the applicant incorporated all necessary measures to ensure that water quality standards are maintained at the County's best management practices level.

10. Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

- The applicant believes that this conversion encourages economic development activities in the area designated by the Revised General Plan, the Comprehensive Plan, and the Plan for Economic Development and Growth by providing a greater flexibility of uses that are allowed under the current Zoning Ordinance and by ensuring a consistent development pattern throughout the area.

11. Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.

- The proposed conversion does consider the need for future industry and business growth, by giving the property a greater flexibility of uses that are allowed in the Revised 1993 Zoning Ordinance. This supports one of the prime planning goals of the Revised General Plan considering the Revised 1993 Zoning Ordinance was adapted to further implement the Revised General Plan and the county's plan for economic development and growth.

12. Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

- The proposed conversion does consider the current and future requirements of the community, by bringing the current zoning of the land to be developed under the current Zoning Ordinance, which we believe makes the development more competitive in terms of what users are looking for in today's market. By retaining the PD-IP zoning district on the property, the development insures that this area will be used for business and employment uses as envisioned in the General Plan.

13. Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

- The proposed conversion encourages the conservation of properties and their values and the encouragement of the more appropriate use of the land throughout the County by proposing a use for the property that is in concert with the County's General Plan and the Revised 1993 Zoning Ordinance. By keeping within the PD-IP zoning, the proposed conversion aligns itself with the county's most recent studies and plans for this area. This action will reduce the possible pressure for less appropriate uses in this area.

14. Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.

- The proposed conversion considers the trends of growth or changes, employment, and economic factors, and the probable future economic and population growth of the County by increasing the marketability and having the flexibility of uses that are allowed within the proposed zoning district. This will result in a more marketable product in an area the County has deemed appropriate for business uses and growth. The property is located near two major roadways, Rt. 28 and Atlantic Blvd. connected by Severn Way. This surface infrastructure and the planned improvements were planned and are being constructed with the future in mind.

15. The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

- The proposed conversion does not provide for residential housing.

16. The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

- The applicant purchased this project as it is currently built. All improvements were designed so as to be sensitive to the natural and scenic characteristics of the sites as this commercial type of development allows. The development adheres to all Federal, State and County regulations in terms of storm water management and best management practices, and also erosion and sediment control requirements, thus further protecting the existing natural environment.



christopher consultants
engineering · surveying · land planning

January 27, 2009

Ms. Jane McCarter
Loudoun County
Department of Planning
1 Harrison Street, S.E.
Leesburg, VA 20177

RE: ZMAP 2008-0019, Baronwood

Dear Jane:

We have transmitted under separate cover ten copies of the revised Special Exception Plat for the second review. The only department that had comments requiring referral was zoning and we have addressed those comments as follows:

1. *In the title bar, include ZMAP 2008-0019.*

Response: We have included ZMAP 2008-0019 in the title bar.

2. *Sheet 1, county records show steep slopes on the property, correct Site Note #4.*

Response: We have revised Site Note #4 on Sheet 1 to reflect the existence of steep slopes in the County records. Please note that much of the steep slope area was manmade under an original grading permit, and as such does not fall within the limitations under steep slope regulations in Section 5-1500 of the Zoning Ordinance.

3. *Sheet 1, county records show major floodplain on the property, correct Site Note #7.*

Response: We have corrected Site Note #7 to show the existence of major floodplain.

4. *Sheet 3, there should be a 25' parking and 35' building setback along Jessie Court.*

Response: We have added the 25' parking and the 35' building setback along Jessie Court.

5. *Sheet 3, the 15' building and parking setback should be removed since the adjacent parcels are in the PD-IP district.*

Response: We have removed the 15' building and parking setback adjacent to other parcels.

christopher consultants, ltd.
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ashburn, virginia 20147

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A-22

Ms. Jane McCarter
January 27, 2009
Page 2

We trust these changes are sufficient such that this application can move forward for public hearing.
If you have any questions or require additional information, please feel free to notify us.

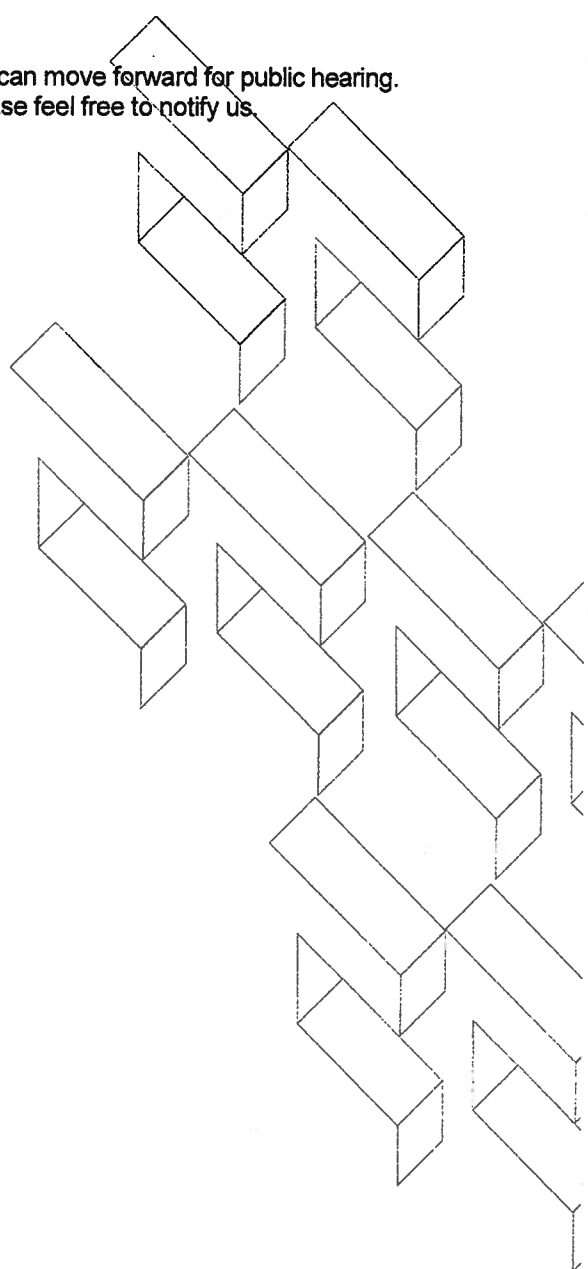
Very truly yours,



Paul W. Tiffin, P.E.
Sr. Project Manager – Associate

PWT/dml

cc: Mr. Phil Ackley, Kenwood Management Co., LLC
Ms. Rosemarie Pelletier, PPSI



A-23

Proffer Statement, March 3, 2009

Baronwood Industrial Park

ZMAP 2008-0019

The Board of Supervisors of Loudoun County, Virginia, the owner of the property described as Steeplehase Sec. 2A PCL.1 9.35 (PIN# 030-15-5049) ("The Applicant"), on behalf of itself and its successors in interest, hereby voluntarily proffers that in the event the property that is the subject of this application and more particularly shown on the hereafter referenced Concept Development Plan, namely an approximately 9.4 acre parcel (the "Property"), is rezoned by the Loudoun County Board of Supervisors (hereinafter referred to as "the County") to the PD-IP Planned Development-Industrial Park zoning district administered under the Revised 1993 Zoning Ordinance, as substantially set forth in the Concept Development Plan dated August 29, 2008 revised through January 22, 2009, and further described in its application ZMAP 2008-0019 the development of the Property shall be in substantial conformance with the following conditions, pursuant to Section 15.2-2303 of the Code of Virginia (1950) as amended. These proffer conditions are the only conditions offered on this rezoning, provided that these proffers shall become effective only upon final approval of the Zoning Map Amendment application ZMAP 2008-0019 submitted by the Applicant.

1. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformance with the plan set titled "Baronwood ", dated August 29, 2008 revised through January 22, 2009, prepared by Christopher Consultants, Inc., and incorporated herein by reference as Exhibit A. The plans as submitted shall control the general development, layout and configuration of the Property, provided that all requirements and use limitations of the PD-IP zoning district of the Revised 1993 Zoning Ordinance must be complied with and will take precedence over the Concept Development Plan.

[SIGNATURE PAGES FOLLOW]

Each of the undersigned hereby warrants that all the owners of any legal interest in the Property have signed the foregoing proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly with the other owners affixing their signature hereto, and that the foregoing proffers are entered into voluntarily.

BY: _____

Signature

Name: _____

Title: _____

Date: _____

County of Loudoun, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, as the _____ of _____, whose name is signed to the foregoing proffer statement has acknowledged the same before me.

Subscribed and sworn to before me this _____ day of _____ 2008.

My Commission Expires:

Date

Notary Public

Section 4-500

PD-IP Planned Development - Industrial Park.

4-501

Purpose. The district is established for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities, designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering.

4-502

Size and Location. PD-IP districts shall be located in areas served by one or more major arterial or collector roads, by public water and sewer, and consistent with locations identified in the Comprehensive Plan for industrial use. When mapped, the district shall be no less than twenty (20) acres in size. Incremental and contiguous additions of a minimum of one (1) acre to an existing PD-IP zoning district shall be allowed. Incremental additions must demonstrate their relationship and compatibility with the previously approved district to which it is being added.

4-503

Permitted Uses. The following uses shall be permitted in any PD-IP district, subject to the requirements and limitations of these regulations.

- (A) Adult day care center.
- (B) Agriculture, horticulture, forestry, or fishery.
- (C) Commuter parking lot.
- (D) Distribution facility.
- (E) Facility for scheduled lessons such as: dance, gymnastics, judo and sports training.
- (F) Flex industrial use, pursuant to Section 5-608.
- (G) Office, administrative, business and professional, (i.e. office uses) provided:
 - (1) Office uses are an integral design element of a site plan for an industrial site or park containing not less than 40,000 square feet of gross floor area; and
 - (2) Office uses shall be located no further than 100 feet from the setback, as established by Section 5-900, of an arterial or major collector road; and
 - (3) Office uses shall be the prominent features when viewed from adjacent roadways; and

- (4) Other permitted uses may be co-located with office uses, provided such uses do not have frontage or direct access to an arterial or major collector road and will not exceed forty (40) percent of the gross floor area of the total land area of the industrial site or park; and
 - (5) Parking may be located in the side and rear yards and in no case shall parking be located between the building and the arterial or major collector road. On a corner or through lot, there shall be only one front yard as established by Section 1-205(C); and
 - (6) Buildings which contain office uses shall contain two stories or more.
- (H) Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.
- (I) Post office.
- (J) Radio and television recording studio.
- (K) Recycling drop off collection center, small, pursuant to Section 5-607.
- (L) Research, experimental testing, or development activities.
- (M) Wholesale trade establishment.
- (N) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers, and automobile service stations, not to exceed a total of five percent (5%) of the total allowable floor area of the industrial park shown on a concept development plan.

- (O) Bakery, commercial.
- (P) Bank or financial institution, pursuant to Section 5-659.
- (Q) Dwelling, accessory to a permitted or special exception use.
- (R) Printing service.
- (S) Warehousing facility, pursuant to Section 4-507(E).
- (T) Auction house.
- (U) Business service establishment.
- (V) Health and fitness center.
- (W) Park.
- (X) Postal service, including overnight courier collection and overnight mail distribution facility.
- (Y) Restaurant, carry-out only.
- (Z) Water pumping station.
- (AA) Utility substation, dedicated.
- (BB) Conference or training center.
- (CC) Sewer pumping station.
- (DD) Utility substation, distribution, pursuant to Section 5-616.
- (EE) Church, synagogue, temple or mosque.
- (FF) Motor vehicle service and repair, light.
- (GG) Telecommunications antenna, pursuant to Section 5-618(A).
- (HH) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (II) Funeral home, pursuant to Section 5-658.
- (JJ) Training Facility.
- (KK) Interactive Science & Technology Center.

- (LL) Outdoor Storage, Accessory up to 10% of gross floor area of principal use.
- (MM) Contractor service establishment, excluding retail sales and outdoor storage.
- (NN) Recreation establishment, outdoor or indoor, provided:
 - (1) Parking areas for recreation establishments shall be designed to enhance the safety of children as they arrive at and leave the facility; and
 - (2) Recreation establishments shall include a designated pickup and delivery zone, providing at a minimum one (1) parking space per twenty (20) children and shall be located in proximity to the recreation establishment in such a way that provides safe and clearly designated access to enter or exit the facility.

4-504

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provisions of Section 6-1300.

- (A) Office, administrative, business and professional, which do not meet the criteria contained in Section 4-503(G).
- (B) Civic, social, fraternal association meeting place.
- (C) Educational institution.
- (D) Golf driving range.
- (E) Heliport, helistop.
- (F) Hospital, pursuant to Section 5-610.
- (G) Hotel/Motel, pursuant to Section 5-611.
- (H) Public utility service center with or without storage yard.
- (I) Sewage treatment plant.
- (J) Uses which are supportive and complementary to (which serve the users of) existing permitted and principal uses within a specific industrial park, such as, but not limited to restaurants, excluding drive-throughs, business service establishments, personal service establishments, health and fitness centers and automobile service stations; but not to include such uses as car repair except in

Article 7 - Special Districts

721 (PD-AI District was rezoned to PD-IP and PD-GI by the Loudoun County Board of Supervisors in June, 1977)

722 PLANNED DEVELOPMENT - INDUSTRIAL PARK - PD-IP

722.1 Planned Development - Industrial Park, Defined

Planned Development - Industrial Park districts, hereinafter called PD-IP, are defined for the purposes of these regulations as a planned development (as defined generally in Section 700) primarily for light and medium industrial uses. PD-IP districts are further defined as areas devoted to industrial uses which present an attractive appearance and complement surrounding land use character by means of appropriate siting of building and service areas, and landscape treatment.

722.2 PD-IP Districts - Intent, Where Permitted

PD-IP districts are hereby created and may hereafter be established by amendments to the official zoning map in accordance with the provisions generally for PD districts in Section 700 and Article 12. It is intended that PD-IP districts will be in locations previously designated as I-R and I-P and in locations designated generally for industry in accordance with the proposed industrial development element of the Comprehensive Development Plan. It is intended that PD-IP districts may be established in areas having all of the following characteristics:

- Areas served by water and sewer facilities
- Areas served by one or more major highways
- Areas having clearly demonstrated suitability for intended uses insofar as physical characteristics and relationship to surrounding development

722.3 Permitted and Permissible Principal Uses and Structures

722.3.1 Permitted principal uses and structures. The following uses shall be permitted in any PD-IP district subject to the requirements and limitations of these regulations:

- Agricultural, forestry, fisheries and commercial nurseries (amended 1979)
- Research, experimental, testing, and development activities.
- Trans-shipment Facilities. (As amended June, 1977 and August 23, 1982).

Manufacture, processing, fabrication, assembly, distribution of products such as, but not limited to:

Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

722.3.2 Permissible principal uses and structures: In addition to the permitted principal uses and structures indicated above the following uses may be permitted by the Board of Supervisors: (a) as part of a PD-IP amendment, or (b) by special exception procedures at any time after PD-IP amendment, provided that such uses clearly demonstrate similarity to characteristics of permitted principal uses and comply with requirements of determinations concerning unspecified uses, Section 501.1:

Private or commercial airport, heliport
Warehousing
Commercial office buildings
Sewage disposal, water treatment plants
Temporary construction headquarters, temporary equipment and materials storage
Public utility, communications and transmission
Recreational facilities (1/18/77)

Uses auxiliary to permitted and principal uses, such as, but not limited to, Restaurants (excluding drive-in eating establishments), Personal Services, Banks and Financial Institutions and Automobile Service Stations. (as amended in June, 1977)

Churches: subject to the following performance standards:

1. Parking standards shall include 1 parking space for every 4 seats in the main auditorium.
2. Church uses must comply with all other performance standards for the PD-IP and PD-GI districts, i.e. access, landscaping, buffering, signs, etc.
3. All church uses must comply with BOCA and Virginia Uniform Building Code requirements for construction.
(BOS approved 12-19-89)

722.3.2.1 Permissible Principal Uses and Structures: In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation by the Planning Commission:

Recreational Vehicle Parks
Motels, hotels with location and site development criteria listed in Section 607.2.4. (Approved Aug. 23, 1982)

722.4 Minimum Area Required for Creation of Districts; for Lots in Districts